

UNITED STATES DISTRICT COURT

for the

Western District of New York

LIBERTARIAN PARTY OF ERIE COUNTY, et al.

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*Plaintiff(s)*

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ANDREW M. CUOMO, individually and as Governor  
of the State of New York, et al.

Civil Action No. 15-CV-654-FPG

*Defendant(s)*

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SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* MATTHEW J. MURPHY, III  
174 Hawley St.  
Lockport, New York 14094

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JAMES OSTROWSKI  
63 Newport Ave.  
Buffalo, New York 14216  
(716) 435-8918  
jameso@apollo3.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

*Mary C. Heavengood*

Signature of Clerk or Deputy Clerk

Date: JAN 22 2016

Civil Action No. 15-CV-654-FPG

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)*  
 was received by me on *(date)* 1-22-16

Matthew J. Murphy III

I personally served the summons on the individual at *(place)*

Niagara County Court  
 on *(date)* 1-28-16; or

I left the summons at the individual's residence or usual place of abode with *(name)*

, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is

designated by law to accept service of process on behalf of *(name of organization)*

on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 2-5-16



Server's signature

James Ostrowski, Attorney  
Printed name and title

63 Newport Av. Bflo N.Y. 14216  
Server's address

Additional information regarding attempted service, etc:

The individual served was  
a W, M, SS, 5-11, 175 lbs.  
gray hair.